

**EXHIBIT 5**  
**2019.08.19 – J. Tryck Ltr to J. Polito re**  
**Search Terms & Custodians**

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Tel 202.955.8500  
www.gibsondunn.com

Jennafer M. Tryck

Direct: +1 949.451.4089  
Fax: +1 949.475.4789  
JTryck@gibsondunn.com

August 19, 2019

VIA ELECTRONIC MAIL

John A. Polito  
Morgan Lewis & Bockius LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105-1596

Re: Oracle USA, Inc. v. Rimini Street, Inc., Case No. 2:10-cv-0106-LRH-VCF (D. Nev.)

Dear Mr. Polito:

We received your August 16 letter modifying the fourth item in Oracle's June 28 list of allegedly contumacious conduct to reflect the Ninth Circuit's August 16 decision.

We also note that Oracle is now withdrawing 5 of its 246 custodial search terms. This change results in a reduction of less than 10,000 document hits (out of more than 170,000 documents, excluding hundreds of thousands of additional documents in families). This remains an unreasonable and unmanageable amount of information to review in the limited time allotted for discovery, particularly given that the information contained in those documents is largely irrelevant. *See* Aug. 13, 2019 Email from J. Tryck ("On multiple occasions, we have informed Oracle that the most relevant information to this proceeding will come from *non-custodial* sources (which show the work Rimini's engineers have actually performed since November 2018). We have already produced, are in the process of producing, and have offered to produce, substantial volumes of data and materials from these sources. *Custodial* sources, which show, at most, communications about engineers' work, but not the work itself, are largely irrelevant."); *see also* Aug. 5, 2019 Ltr. from J. Tryck to J. Minne. The Ninth Circuit's reference to Rimini's "internal emails" in connection with its discussion of the injunction's *validity* under *eBay* does not alter the fact that any alleged injunction *violation* will be proven (or not) through technical material reflecting what Rimini employees did—not what they wrote in email correspondence.

We will continue to review documents that hit on the search terms identified in the spreadsheet attached to our August 13 email (across the six custodians Oracle identified in its August 11

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email). And, as stated before, Rimini agrees to produce responsive, non-privileged custodial documents on a rolling basis.

Sincerely,

*/s/ Jennafer M. Tryck*

Jennafer M. Tryck

JMT/dl

cc: Karen L. Dunn  
Kathleen R. Hartnett  
William Isaacson  
Ashleigh Jensen  
Tran Le  
Richard J. Pocker  
Beko Reblitz-Richardson  
Sean Rodriguez  
Gabriel Schlabach  
Samuel Ungar  
Zachary S. Hill  
David Kocan  
Lisa S. Lee  
Jacob J.O. Minne  
John A. Polito  
Lindsey M. Shinn  
Benjamin P. Smith  
Sharon R. Smith